

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENEE SCHULTZ,

Plaintiff,

vs.

Case No. 20-

UNUM LIFE INSURANCE
COMPANY OF AMERICA,

Defendant,

_____ /

DONALD W. BUSTA, JR. (P67544)

Attorney for Plaintiff

LEVINE BENJAMIN, P.C.

100 Galleria Officentre, Suite 411

Southfield, Michigan 48034

Phone (248) 352-5700

Fax (248) 352-1312

dbusta@levinebenjamin.com

_____ /

PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, JENEE SCHULTZ, by and through her attorneys, DONALD W. BUSTA, JR, and LEVINE BENJAMIN, P.C., and for her Complaint against Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA states as follows:

1. At all times, relevant hereto, Plaintiff, JENEE SCHULTZ, is a resident of the City of St. Johns, County of Clinton and State of Michigan.

2. At all times, relevant hereto, Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times, relevant hereto, Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, JENEE SCHULTZ, and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA, to provide Plaintiff, JENEE SCHULTZ with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, JENEE SCHULTZ, suffers from a disorder of the lumbar spine with associated radicular symptoms, status post right L5-S1 laminectomy, decompression and discectomy on May 2, 2019. As a result, Plaintiff's conditions have made it impossible for her to work.

7. Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA, has wrongfully terminated Plaintiff's Long-Term Disability Benefits.

8. Defendant's termination of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability. Defendant's refusal to pay Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, JENEE SCHULTZ, has exhausted all required appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, JENEE SCHULTZ, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and pay Long-Term Disability Benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to her under the terms of the plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful denial of Long-Term Disability Benefits, Plaintiff, JENEE SCHULTZ, has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;

WHEREFORE, Plaintiff, JENEE SCHULTZ, prays for Judgment in her favor and against the Defendant, UNUM LIFE INSURANCE COMPANY OF AMERICA, in whatever amount she is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ DONALD W. BUSTA, JR
Attorneys for Plaintiff
100 Galleria Officentre, Suite 411
Southfield, MI 48034
Phone (248) 352-5700
Fax (248) 352-1312
dbusta@levinebenjamin.com

Dated: October 29, 2020